

# Code of Conduct

## Notice of Nondiscrimination (BOE APPROVED 12/10/24)

Amagansett Union Free School District is a fully inclusive organization that believes in our established values of respect, diversity, and pluralism.

Amagansett Union Free School District provides equal opportunity for students, and it does not discriminate against any student enrolled in its programs and activities on the basis of actual or perceived race, color, national origin, sex, disability, or age. Further, Amagansett Union Free School District does not discriminate on the basis of weight, ethnic group, religion, religious practice, sexual orientation, gender, gender identity or expression, or any other basis prohibited by state or federal non-discrimination laws. It provides equal access to its facilities to the Boy Scouts and other designated youth groups.

Amagansett Union Free School District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, gender identity or expression, or age. Further, Amagansett Union Free School District does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Inquiries regarding Amagansett Union Free School District's non-discrimination policies and grievance procedures should be directed to:

Name: Michael Rodgers  
Title: Superintendent  
(Civil Rights Compliance Officer and Title IX Coordinator)  
Address: 320 Main Street  
POB 7062, Amagansett NY 11930  
Phone: (631)267-3572  
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Name: Diane Genco  
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Amagansett Union Free School District policies, procedures, and forms regarding non-discrimination include:

Nondiscrimination and Anti-Harassment Policy (#3420)  
Title IX and Sex Discrimination (#3421)  
Discrimination, Harassment and/or Retaliation Complaint Form (Employee Form) (#3420F)  
Dignity for All Students Act Policy (#7550)  
Dignity Act Complaint Form (#7550F)

## INTRODUCTION

The Amagansett Board of Education is committed to providing a safe and orderly school environment free from discrimination and harassment where students and/or employees may receive and District personnel may deliver quality educational services without disruption or interference which fosters civility in public schools. Responsible behavior by students, teachers, other District personnel, parents, employees and other visitors is essential to achieving this goal.

The District has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity. The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the Board adopts this *Code of Conduct* ("*Code*").

Unless otherwise indicated, this *Code* applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

## DEFINITIONS

For purposes of this *Code*, the following definitions apply.

**Bullying** -- see harassment/bullying.

**Color** means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

**Controlled Substance** means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this *Code of Conduct*.

**Cyberbullying** means harassment or bullying where such harassment or bullying occurs through any form of electronic communication.

**Defamation** means making false or unjustified injury to the good reputation of another.

**Detention** means an after school penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate.

**Dignity for All Students Act** refers to Article 2 of the New York State Education Law, as well as amendments to Sections 801-a and 2801 New York State Education Law made pursuant to Chapter 482 of the Laws of 2010. For purposes of this *Code of Conduct*, it will also refer to subsequent amendments to those statutes, and to any and all regulations promulgated by the Commissioner of Education to achieve the aims set forth in Chapter 482 of the Laws of 2010. The intent of the Dignity Act is to provide all public elementary and secondary school students with a safe and supportive environment free from discrimination, harassment, bullying, taunting or intimidation, as well as to foster civility in public schools.

**Disability** means:

- 1) A physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or
- 2) A record of such an impairment; or

- 3) A condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**Discrimination-** for purposes of prohibited conduct under the Dignity for All Students Act (DASA) means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

**Disruptive Student** means a student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

**Emotional Harm** that takes place in the context of harassment or bullying means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

**Employee** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, and involve direct student contact.

**Ethnic Group** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**Firearm** means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices).

**Gender** means actual or perceived sex and will include a person's gender identity or expression.

**Gender Identity or Expression** for the purposes of discrimination as it applies to employees means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

**Harassment/bullying** for purposes of prohibited conduct under the Dignity for All Students Act (DASA) means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying based on a person's membership in a protected class that:

- 1) Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- 2) Reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or
- 3) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- 4) Occurs off school property and creates or would predictably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats,

intimidation or abuse might reach school property.

Acts of harassment and bullying that are prohibited include those acts based on a person's actual or perceived membership in the following groups including, but not limited to:

- 1) Race
- 2) Color
- 3) Weight
- 4) National origin
- 5) Ethnic group
- 6) Religion
- 7) Religious practice
- 8) Disability
- 9) Sex
- 10) Sexual orientation
- 11) Gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

**Illegal drugs** means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

**Long-Term Suspension** means a suspension of more than five consecutive school days.

**Manifestation Determination** means a review of the relationship between the student's disability and the behavior subject to disciplinary action that is conducted by the Manifestation Team or the Committee on Special Education (CSE).

**National Origin** means a person's country of birth or ancestor's country of birth.

**Non-violent Crisis Intervention** means those techniques that enable staff to maintain control in an unlimited number of crisis situations through calm, confident actions that help staff defuse the disruptive student and reduce the chance for physical injury to all who are present. In non-violent crisis intervention, the emphasis is always on the staff's primary responsibility--the care, welfare, safety and security of students and staff. Physical restraint is only used when all verbal techniques have been exhausted and the individual's actions are escalating toward physical aggression. Any physical control that is used will be used in a way to control and protect students.

**Off-campus Conduct** means conduct off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation and/or abuse might reach school property.

**Parent** means the biological, adoptive or foster parent, guardian or person in parental relation to a student.

**Plagiarism** is the use or close imitation of the language and ideas of another author and representation of them as one's own original work. This includes copying from electronic sources, even with minor alterations.

**Race** means a group of persons related by a common descent or heredity. For purposes of enumeration the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "Hispanics/Latinos", etc. to describe and classify the inhabitants of the United States.

**Religion** means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

**Religious Practice** means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

**School Bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**School Function** means any school-sponsored extracurricular event or activity, on and/or off site.

**School Property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus.

**Sex** means the biological and physiological characteristics that define men and women. (MALE and FEMALE denote "sex".)

**Sexual Harassment** of students is a form of sex discrimination and is unlawful and prohibited by the District. Generally, it can include harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment can also consist of subjecting an individual to unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex. Sexual harassment can occur between any individuals, regardless of their sex or gender. In addition, under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- 3) Sexual assault, dating violence, domestic violence, or stalking.

**Sexual Orientation** means actual or perceived heterosexuality, homosexuality or bisexuality.

**Violent Student** means a student under the age of 21 who:

- 1) Commits an act of violence upon a school employee, or attempts to do so.
- 2) Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
- 3) Possesses or facilitates transport, storage or usage of a weapon while on school property or at a school function.
- 4) Displays, while on school property or at a school function, what appears to be a weapon.
- 5) Threatens, while on school property or at a school function, to use a weapon.
- 6) Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.

- 7) Knowingly and intentionally damages or destroys District property.

**Weapon** means a firearm as defined in 18 USC Section 921 for purposes of the Gun Free Schools Act. It also means any other weapon, device, instrument, material or substance that can cause serious physical injury or death including, but not limited to, a gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, metal knuckle knife, metal pipe, box cutter, cane sword, electronic dart gun, Kung Fu star, nunchucks, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb.

**Weight**, in addition to its ordinary meaning, includes a person's size.

## STUDENT RIGHTS AND RESPONSIBILITIES

The District is committed to safe-guarding the rights given to all students under state and federal law and District policy. To promote a safe, healthy, orderly and civil school environment, students have these rights and responsibilities:

<u>Rights</u>	<u>Responsibilities:</u>
1) To attend school in the district in which one's parent or legal guardian resides.	→ To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education.
2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly.	→ To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines.
3) To be respected as an individual.	→ To respect one another, and to treat others in the manner that one would want to be treated. To be respectful of the privacy of fellow students and district staff.
4) To express one's opinions verbally or in writing.	→ To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others.
5) To dress in such a way as to express one's personality.	→ To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting.
6) To be afforded equal and appropriate educational opportunities.	→ To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
7) To take part in all school activities on an equal basis regardless of actual or perceived race, color, weight, religion, religious practice, sex, sexual orientation, gender, gender identity or expression, national origin, ethnic	→ To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.

group, political affiliation, age, marital status, or disability.

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| 8) To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.   | → To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate.   |
| 9) To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender, gender identity or expression, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity. | → To respect one another and treat others fairly. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination. |
| 10) To be able to present their version of events to school personnel in connection with any disciplinary proceeding or the imposition of any penalty.   | → To answer truthfully when questioned.   |
| 11) To have access to school policies, regulations and rules, and when needed, receive an explanation of those rules from school personnel.  | → To respect and follow school rules, even when there is disagreement.  |

## **ESSENTIAL PARTNERS**

### **Parents and Guardians**

All parents and guardians are expected to:

- 1) Recognize that the education of their children is a joint responsibility which they share with the school community.
- 2) Send their children to school ready to participate and learn.
- 3) Ensure their children attend school regularly and on time.
- 4) Ensure absences are excused.
- 5) Insist their children be dressed and groomed in a manner consistent with the student dress code.
- 6) Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
- 7) Know school rules and help their children understand them.

- 8) Promote positive behavior in their children by helping them to accept the consequences of their actions and by becoming involved in the behavior management/disciplinary process.
- 9) Convey to their children a supportive attitude toward education and the District.
- 10) Build good relationships with teachers, other parents and their children's friends.
- 11) Help their children deal effectively with peer pressure.
- 12) Inform school officials of changes in the home situation that may affect student conduct or performance.
- 13) Provide a place for study and ensure homework assignments are completed.
- 14) Respond promptly to school personnel when requested to do so; work with our schools to maintain open and respectful communication.
- 15) Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, natural origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
- 16) Promote positive and respectful behavior in their child by helping them to accept consequences of their actions and by becoming involved in the behavior management/disciplinary process.

## **Teachers**

All District teachers are expected to:

- 1) Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, natural origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex which will strengthen students' respect for themselves.
- 2) Be prepared to teach.
- 3) Demonstrate interest in teaching, concern for student well-being, achievement and educational progress, and respond appropriately to the individual needs of each student.
- 4) Know school policies and rules, and enforce them in a fair and consistent manner.
- 5) Communicate to students and parents that which is important to the student's emotional, social, behavioral and academic progress, including but not limited to:
  - a. Course objectives and requirements
  - b. Marking/grading procedures
  - c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan



- f. Building-wide behavior management plan
6. Communicate regularly with students, parents and other teachers concerning growth and achievement.
  - 7) Adhere to the *Code*.
  - 8) Be knowledgeable of effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques.
  - 9) Maintain confidentiality about all personal information and educational records concerning students and their families.
  - 10) Demonstrate dependability, integrity, and other standards of ethical conduct.
  - 11) Follow the chain of command for various administrative procedures.
  - 12) Report violent students to the principal.
  - 13) Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function.
  - 14) Address personal biases that may prevent equal treatment for all students in the school or classroom setting.
  - 15) Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinators (DAC) in a timely manner.
  - 16) Report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration, or scoring of state assessments in violation of New York State law. This report will be made in accordance with directions and procedures established by the Commissioner to maintain the security and confidential integrity of State assessments.
  - 17) Protect students' and staff's personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.
  - 18) Teachers are expected to promptly report any violations of this *Code* to an administrator. Anyone who, in good faith, reports a violation of the law, school rule, or *Code of Conduct*, may not be retaliated against.

Note: Training of teachers, staff and teaching assistants will reinforce the reporting of incidents of discrimination, harassment, and bullying (including incident logs and student behavior guide).

**Teaching Assistants** (see definition)

All teaching assistants are expected to:

- 1) Work under the direct supervision of a certified teacher utilizing the teacher's lesson plan and classroom/building behavior management plan.
- 2) Utilize non-violent crisis intervention techniques.

- 3) Maintain a climate of mutual respect and dignity which will strengthen students' self-concept and promote confidence to learn.
- 4) Demonstrate interest and concern for student achievement in the educational process.
- 5) Know school policies and rules and enforce them in a fair and consistent manner.
- 6) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 7) Demonstrate dependability, integrity and other standards of ethical conduct.
- 8) Follow the chain of command for various administrative procedures.
- 9) Report incidents of discrimination, bullying, and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator, Civil Rights Compliance Officer, Title IX Coordinator and/or DAC, as appropriate, in a timely manner.
- 10) Protect students' and staff's personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

**Student Support Service Personnel** (see definition)

All Student Support Service Personnel are expected to:

- 1) Provide educationally related service(s) to support students in their educational program.
- 2) Support educational and academic goals.
- 3) Assist students in coping with peer pressure and emerging personal, social, emotional and physical problems.
- 4) Encourage students to benefit from the curriculum and co-curricular activities.
- 5) Know school policies and rules and enforce them in a fair and consistent manner in accordance with the *Code*.
- 6) Communicate regularly with students, parents and other staff.
- 7) Adhere to the *Code*.
- 8) Be knowledgeable of effective classroom behavior/building management techniques and the non-violent crisis intervention philosophy and techniques.
- 9) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 10) Demonstrate dependability, integrity and other standards of ethical conduct.
- 11) Follow the chain of command for various administrative procedures.
- 12) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding

of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

- 13) Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinators (DAC) in a timely manner.
- 14) Protect students' and staff's personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

### **School Psychologist**

The School Psychologist is expected to:

- 1) Assist students in coping with peer pressure and emerging personal, social and emotional problems.
- 2) Initiate teacher/student/school psychologist conferences and parent/teacher/student/school psychologist conferences, as necessary, as a way to resolve problems.
- 3) Assist teachers in preparing and implementing behavior plans for classroom and or individual students.
- 4) Work with students one-on-one or in groups to resolve conflicts and improve problem solving.
- 5) Encourage students to benefit from the curriculum and extracurricular programs.
- 6) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 7) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
- 8) Protect students' and staff's personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

### **Principal and Superintendent**

The principal and Superintendent are expected to:

- 1) Promote a safe, orderly, respectful, and stimulating school environment, free from intimidation, discrimination, and harassment, supporting active teaching and learning.
- 2) Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the Superintendent for redress of grievances.
- 3) Evaluate on a regular basis all instructional programs.
- 4) Support the development of and student participation in appropriate extracurricular activities.

- 5) Maintain open communication with all receiving districts.
- 6) Be responsible for enforcing the *Code* and ensuring that all cases are resolved promptly and fairly.
- 7) Be knowledgeable of effective classroom behavior/building management techniques, and the non-violent crisis intervention philosophy and techniques and assure their utilization in the building.
- 8) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting which will strengthen students' self-image and promote confidence to learn.
- 9) Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the Dignity Act Coordinators (DAC).
- 10) Assure that a classroom/building discipline plan is created and supported when required to meet the needs of students enrolled in the building.
- 11) Establish and follow a chain of command for various administrative procedures.
- 12) Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- 13) Inform the Board about educational trends, including to student discipline.
- 14) Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs.
- 15) Work with District personnel in enforcing the *Code* and ensuring that all cases are resolved promptly and fairly.
- 16) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 17) Demonstrate dependability, integrity and other standards of ethical conduct.
- 18) Address all areas of school-related safety concerns.
- 19) Protect student, teacher and principal personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

### **Dignity for All Students Act Coordinators (DAC)**

All District Dignity Act Coordinators (at least one per building) are expected to:

- 1) Serve as the lead person responsible for facilitating implementation of DASA.
- 2) Participate in required training in order to respond to human relations in the areas of actual and/or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, and gender/gender identity or expression.

- 3) Be accessible to students and other staff for consultation and guidance as needed relative to the Dignity for All Students Act.
- 4) Accept reports regarding violations and conduct investigations.
- 5) Maintain a professional, ethical relationship with students and all other District stakeholder groups.
- 6) Protect students' personally identifiable information (PII) following guidelines outlined by the District's Data Protection Officer and participate in the annual data privacy and security awareness training offered to all staff.

### **Other School Staff**

All other school staff are expected to:

- 1) Perform specialized non-instructional duties that support the operational functioning of the school.
- 2) Know school policies and rules and support the implementation of the *Code*.
- 3) Maintain confidentiality about all personal information and educational records concerning students and their families.
- 4) Demonstrate dependability, integrity and other standards of ethical conduct.
- 5) Follow the chain of command for various administrative procedures.
- 6) Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

### **Board of Education**

- 1) Collaborate with students, teachers, administrators, and parent organizations, school safety personnel and other school personnel to develop a *Code of Conduct* that clearly defines expectations for the conduct of students, District personnel and visitors on school property and at school functions.
- 2) Adopt and review at least annually the District's *Code* to evaluate the *Code*'s effectiveness and the fairness and consistency of its implementation.
- 3) Lead by example by conducting Board meetings in a professional, respectful, courteous manner.
- 4) Appoint a Dignity Act Coordinator (DAC) in the school building. The DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The DACs will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
- 5) Review and approve a budget that provides programs and activities that support the District's goals and the goals of this *Code*.

- 6) Respect the confidentiality of all information on students and staff learned in the role of a Board member.

## **STUDENT DRESS CODE**

Pursuant to Policy #7312, the responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire is not destructive to school property, complies with requirements for health and safety, does not interfere with the educational process or impinge upon the rights of others or violate the *Code*. All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions.

Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. The administration is authorized to take action in instances where the individual dress code does not meet these stated requirements and they shall be responsible for informing all students and their parents of the dress code at the beginning of the school year and any changes to the dress code during the school year. Additional details about dress code may be addressed in the school calendar/student handbook.

The following are administrative guidelines and have been developed by the Superintendent and apply to students' dress, grooming and appearance. These include hair style/color, jewelry, makeup and nails, during the school day and for special school functions.

A student's dress, grooming and appearance shall:

- 1) Be safe, appropriate and not create a distraction that interferes with the educational program.
- 2) Recognize that extremely brief garments and see through garments are not appropriate. Examples may be included in the school calendar/student handbook.
- 3) Ensure that underwear is completely covered with outer clothing.
- 4) Include reasonable and secure footwear at all times. Footwear that is a safety hazard will not be allowed.
- 5) Not include the wearing of hats/headwear in the school building except for medical or religious purposes.
- 6) Not include items that are in poor taste, vulgar, obscene and libelous or denigrate others on account of race, color, religion, creed, national origin, gender, sexual orientation, or disability.
- 7) Not promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage other illegal or violent activities.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who fails to comply with the dress code shall be subject to disciplinary action up to and including suspension or exclusion from a program.

## **PROHIBITED STUDENT CONDUCT**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, District personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct as described in the Behavior Management Plan. Students may be subject to disciplinary action, up to and including suspension from school, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct as illustrated below. They will be presented with the Student Guide and consequences will be worked out jointly.

## **Examples of Expected Student Conduct**

### General

- 1) Follow directions
- 2) Keep the noise level low
- 3) Keep hands, feet, objects to yourself
- 4) Respect the rights and feeling of others  
(no teasing, fighting, cursing, bullying, harassment, discrimination, foul language)
- 5) Raise hand to be recognized
- 6) Be on time to school and classes
- 7) Complete homework assignments

### Hallway

- 1) Walk at all times
- 2) Do not disturb classes

### Possession/Use of Electronic Devices

- 1) Evading the District's content file
- 2) Using an outside wireless network
- 3) Using personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras) and other personal electronic devices deemed inappropriate by the administration.
- 4) Personal computers, laptops, tablets or e-readers and/or other computerize information resourced through the District computer system.

### Assembly

- 1) Sit quietly
- 2) Pay attention

### Elevator

- 1) Use of elevator restricted to handicapped and authorized use only

- 2) Children may never ride the elevator without adult supervision

#### Playground

- 1) Play within boundaries
- 2) Play safely
- 3) No food permitted
- 4) No tree climbing
- 5) No limb hanging
- 6) No trading of toys

#### Bus

- 1) Be courteous
- 2) No profanity
- 3) No eating or drinking on bus
- 4) No violence
- 5) No smoking
- 6) No alcohol
- 7) No drugs
- 8) Hands are kept to yourself
- 9) Do not destroy property
- 10) Do not distract the driver through misbehavior

Any other violations of the *Conduct Code* and/or DASA regulations will be dealt with as well.

#### Bicycles, Skateboards, Roller Blades and Heelies

Bicycles may not be ridden on school grounds and are to be parked and locked in the racks during the school day. As required by law, all students under the age of 14 must wear a helmet. Skateboards, roller blades and heelies are not allowed on school property at any time.

#### **Students Shall Not Engage in Conduct that is Disorderly**

Examples of disorderly conduct include:

- 1) Engaging in any willful act which disrupts the normal operation of the school community, running in hallways, making unreasonable noise, and using language or gestures that are profane, lewd, vulgar, abusive, intimidating or that incite others.
- 2) Obstructing/misusing vehicular or pedestrian traffic.
- 3) Misusing computer/electronic devices including any unauthorized or inappropriate use of computers, software, or Internet/Intranet account; accessing inappropriate websites; or any other violation of the school's acceptable use policy.
- 4) Trespassing. Students are not permitted in any area of the school buildings, other than the areas they regularly attend, without permission from the administrator in charge of the building.
- 5) Unauthorized or inappropriate use of personal electronic devices/equipment (i.e., cell phones, MP3 devices, cameras, and other personal electronic devices considered inappropriate by the administration).
- 6) Unauthorized use of personal computer, laptop, tablet or e-reader, or other computerized information resources through the District computer system is prohibited.



## **Students Shall Not Engage in Conduct that is Insubordinate**

Examples of insubordinate conduct include:

- 1) Failing to comply with the reasonable directions of teachers, school administrators or other school employees or otherwise demonstrating disrespect.
- 2) Missing or leaving school or class without permission.
- 3) Skipping detention or other imposed disciplinary consequences.

## **Students Shall Not Engage In Conduct That Is Disruptive**

Examples of disruptive conduct include:

- 1) Failing to comply with the reasonable directions of teachers, school administrators or other school personnel.
- 2) Endangering the health and safety of other students and/or staff or interfering with classes or school activities such as by means of observable clothing, personal appearance or any observable mannerism.
- 3) Distributing - by any means - or wearing materials on school grounds or at school functions that are obscene, inflammatory, advocate illegal action, appear libelous, obstruct the rights of others or are disruptive to the school community.

## **Students Shall Not Engage In Conduct That is Violent**

Examples of violent conduct include:

- 1) Committing or attempting an act of violence (such as hitting, kicking, punching, bullying, and/ or scratching) upon a teacher, administrator or other school employee.
- 2) Committing or attempting an act of violence (such as hitting, kicking, punching, bullying, and/ or scratching) upon another student or any other person lawfully on school property.
- 3) Possessing a weapon (see definition). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
- 4) Displaying what appears to be a weapon.
- 5) Threatening to use or use any weapon.
- 6) Engaging in harassing conduct, verbal threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical well-being.
- 7) Intentionally damaging or destroying the personal property of a student, teacher, administrator, other school personnel or any other person lawfully on school property, including but not limited to graffiti or arson.
- 8) Communication by any means, including oral, written or electronic (such as through the Internet, email or texting) off school property, where the content of such communication (a) can reasonably be interpreted as a threat to commit an act of violence on school property; or, (b) results in material or substantial disruption to the educational environment.

## **Students Shall Not Engage In Any Conduct That Endangers The Safety, Morals, Health, Welfare of Others**

Examples of such conduct include:

- 1) Lying deceiving or giving false information to school personnel. This can include, but is not limited to, knowingly making false statements or knowingly submitting false information during the grievance process under Title IX.
- 2) Stealing school property or the property of other students, school personnel or any other person lawfully on school property or while attending a school function.
- 3) Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them. This can include video, audio recordings, or pictures (written materials, cell phones, Internet, YouTube, etc.).
- 4) Discrimination, based on a person's actual or perceived race, age, sexual orientation, use of a recognized guide dog, hearing dog or service dog, color, creed, national origin, ethnic group, religion, religious practice, sex, sexual orientation, gender or gender identity, marital or veteran status, use of a recognized guide dog, hearing dog or service dog or as a basis for treating another in a negative manner on school property or at a school function.
- 5) Bullying and intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm and/or emotional discomfort: for example, play fighting, extortion of money, overt teasing, invading another's personal space, etc.
- 6) Harassment, the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being based on a person's actual or perceived race, color, weight, national origin, political affiliation, ethnic group, religion, religious practice, use of a recognized guide dog, hearing dog or service dog, disability, sexual orientation, gender or sex.
- 7) Sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, taking, sending or receiving sexually explicit videos, pictures, or auditory recordings and other verbal or physical conduct or communication of a sexual nature.
- 8) Displaying overt signs of gang affiliation, or engaging in gang related behaviors, that increase the level of conflict or violent behavior in the schools or disrupt the educational process.
- 9) Hazing, which includes any intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team.
- 10) Selling, using, possessing or distributing obscene material.
- 11) Using vulgar or abusive language, cursing or swearing.
- 12) Possessing, consuming, selling, attempting to sell, distributing or exchanging alcoholic beverages, tobacco, tobacco products or illegal and/ or controlled substances, counterfeit and designer drugs, or paraphernalia for use of such drugs, or be under the influence of any such substances on school property or at a school function. "Illegal substances" include, but are

not limited to; inhalants, marijuana, synthetic cannabinoids, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, drugs paraphernalia and any substances commonly referred to as "designer drugs".

- 13) "Internet bullying" (also referred to as "cyberbullying") including the use of instant messaging, email, websites, chat rooms, text messaging, or by any other electronic means, when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of students or employees.
- 14) Using tobacco products such as cigarettes, cigars, and/or chewing or smokeless tobacco.
- 15) Possessing, consuming, selling, distributing, or exchanging alcoholic beverages or illegal substances, or being under the influence of either.
- 16) Inappropriately using or sharing prescription or over the counter drugs.
- 17) Gambling and gaming
- 18) Inappropriate touching and/or indecent exposure.
- 19) Initiating or reporting warning of fire or other catastrophe without valid cause, misuse of 911, or inappropriately discharging a fire extinguisher.
- 20) Violating gender privacy when using school restroom facilities. Also, unauthorized or inappropriate use of restroom facilities.
- 21) Engaging in conduct that could be construed as sexual harassment in accordance with this *Code of Conduct* and/or Title IX.

### **Students Shall Not Engage in Misconduct While on a School Bus**

It is crucial for students to behave appropriately while riding on District buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with the *Code* and established standards for classroom behavior. Behaviors such as excessive noise, pushing, shoving, fighting, harassment, and discrimination will not be tolerated.

#### **Severe Clause for Bus**

The penalty will be at the discretion of the principal or Superintendent depending on circumstances; this may include removal from the bus for 1 to 10 days or permanent removal from the bus by a formal hearing. Serious misbehavior on the bus may also be cause for punishment up to and including suspension or expulsion from school.

### **Students Shall Not Engage In Any Form Of Academic Misconduct**

Examples of academic misconduct include:

- 1) Plagiarism
- 2) Cheating
- 3) Copying
- 4) Altering Records

- 5) Violation of District's Acceptable Use Policy for technology
- 6) Accessing other users' email accounts or network storage accounts and/or attempting to read, deletes, copy, modify, and interfere with the transferring and receiving of electronic communications.
- 7) Defacing or damaging school, class, library or others' materials, work or documents.
- 8) Taking exam, quiz, lab or any other instructional questions answers or forms to further one or more students' grade or progress.
- 9) Violation of copyright laws.
- 10) Assisting another student in any of the actions listed here.

## **USE OF PERSONAL TECHNOLOGY AND ELECTRONIC DEVICES**

Personal technology and electronic devices include all existing and emerging technology devices that can take photographs; record or play audio or video; input text; upload and download media; connect to or receive information from the internet; and transmit or receive messages, telephone calls or images, that belong to the student or the student's family, and have not been provided by the District. Examples of personal technology include, but are not limited to, tablets; laptop and netbook computers; personal digital assistants (PDAs), cell phones and smart phones. The District authorizes personal technology and electronic devices for instructional and non-instructional uses as explained below. However, the District does not authorize unacceptable devices including, but not limited to, gaming devices or consoles, laser pointers and personal modems or routers.

### **Instructional Uses**

Instructional uses include, but are not limited to, approved classroom activities, research, college admissions activities, career development, communication with experts, homework, and other activities considered appropriate by school staff.

Students are permitted to have and use any personal technology device as authorized by their teachers and administration for instructional use in classrooms. Students are expected to act responsibly and thoughtfully when using technology resources. While students are permitted to possess and use these devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors or that otherwise violates law or any provision of this *Code of Conduct*. If a student violates this prohibition, then they may be disciplined under this *Code of Conduct*. Students should keep any permitted electronic device on school property in a safe and responsible manner as instructed by the building principal. Passwords and personal technology devices should not be shared with others. A student's electronic device may be confiscated and subject to a search in accordance with sections of this *Code*, if school officials have reasonable suspicion to believe that the search will reveal evidence of a violation of law, the *Code of Conduct*, or other school rules or policies.

### **Non-Instructional Uses**

Appropriate use of personal technology during non-instructional time is also permitted if students follow the guidelines in the Acceptable Use Policy and *Code of Conduct*. Non-instructional use includes texting, calling or otherwise communicating with others during free periods. Other non-instructional uses may include Internet searches, reading, listening to music, and watching videos. Use during non-instructional time must be conducted in a safe and unobtrusive manner while respecting the privacy of others. Devices must be in silent mode to avoid disrupting others.

Teachers and all other personnel should exemplify and reinforce acceptable student behavior including possession and use of electronic devices.

### **Prohibition During State Assessments**

Unless authorized by law, regulation, or government rule, all students are prohibited from bringing electronic devices into a classroom or other location where a New York State assessment is being administered. Test proctors, monitors and school officials have the right to collect prohibited electronic devices prior to the start of the test and hold them while the test is being administered, including break periods. Admission to any assessment will be denied to any student who refuses to relinquish a prohibited device.

## **HARASSMENT, BULLYING AND DISCRIMINATION**

The District seeks to create an environment free of harassment, bullying, and discrimination, to foster civility in its schools, and to prevent conduct which is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender identity or expression, or sex by school employees or other students on school property and at school sponsored activities and events that take place at locations off school property. In addition, acts of harassment, bullying, that occur off property, where these acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats or intimidation or abuse might reach school property, may be subject to discipline or other corrective action.

The District will take disciplinary measures for incidents involving harassment, bullying, and/or discrimination consistent with this *Code of Conduct*. Responses will be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate any hostile environment.

The District may also avail itself of remedial responses to incidents of harassment, bullying, and/or discrimination to effect the end of this behavior. Remedial responses may include, but are not limited to: peer support groups; corrective instruction or other relevant learning or service experience; supportive intervention; or other research-based methods of harassment, bullying, or discrimination prevention

### **Dignity Act Coordinators (DAC)**

In each of its schools, the District has designated at least one employee to serve as a DAC. In accordance with the regulations of the Commissioner of Education, each DAC has been thoroughly trained in the areas of: human relations; harassment, bullying, and discrimination; and exclusion, bias, and aggression in the educational setting. The DACs are charged with coordinating and enforcing the requirements of the Dignity for All Students Act and its implementing regulations and policies.

Principal (Dignity Coordinator)  
320 Main Street, Amagansett NY 11930  
(631)267-3572  
principal@aufsd.org

### **Prohibition of Retaliatory Behavior**

In accordance with Education Law any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student, on school

grounds or at a school function, who acts reasonably and in good faith and reports that information to school officials, the Commissioner of Education, or law enforcement authorities, or otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making the report, or from initiating, testifying, participating, or assisting in such proceedings. Furthermore, the Board prohibits any retaliatory action against any person who, acting reasonably and in good faith, either makes a report of harassment, bullying, or discrimination, or who otherwise initiates, testifies, participates, or assists in the investigation of a complaint of harassment, bullying, or discrimination.

## **REPORTING VIOLATIONS**

All students are expected to promptly report violations of the *Code of Conduct* to a teacher, the school social worker, the principal, the Superintendent or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the principal, the Superintendent or his or her designee.

All District staff who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the *Code of Conduct* to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The principal, Superintendent or his or her designee must notify the appropriate local law enforcement agency of those *Code* violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event later than the close of business the day the principal, the Superintendent, or his or her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the *Code of Conduct* and constituted a crime.

## **DISCIPLINARY PENALTIES, PROCEDURES AND REFERRALS**

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- 1) The student's age
- 2) The nature of the offense and the circumstances that led to the offense
- 3) The student's prior disciplinary record
- 4) The effectiveness of other forms of discipline
- 5) Information from parents, teachers and/or others, as appropriate

## 6) Other extenuating circumstances

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations. \*In addition, discipline will include an educational component, providing students with an understanding of the effects of their behavior upon others and an opportunity, as determined by District administration and when appropriate, to repair the harm done as a part of the process.

Measured, balanced, progressive and age-appropriate responses will be provided as a response to some instances of discrimination, harassment and bullying of students and/or employees and other types of behaviors that may benefit from a restorative approach. Remedial responses put the focus on understanding and correcting the reasons why the behavior occurred. These remedial responses can be designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Some appropriate responses may include corrective instruction that reemphasizes behavioral expectations or other relevant learning or service experience; engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed; supportive intervention and/or mediation where constructive conflict resolution is modeled; behavioral assessment or evaluation, behavioral management plans or behavioral contracts, with benchmarks that are closely monitored; and student counseling and parent conferences that focus on involving parents in discipline issues.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this *Code of Conduct* for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his or her disability.

To make the plan work, all faculty members will use positive reinforcement such as praising students and informing parents of good conduct to support and encourage proper behavior.

All faculty members will use a step-by-step approach to provide consequences for those students who choose to violate the *Code of Conduct*. Such approach will be developed by the faculty and disseminated to all faculty members.

### **Disciplinary Consequences**

Students learn socially appropriate behavior by being allowed to experience both positive and negative consequences for their actions. In addressing student behaviors that may impede learning, the District uses a variety of appropriate classroom management techniques including:

- 1) Positive supports, strategies, and interventions to improve students' motivation, social skills, problem solving abilities, anger management, and conflict resolution abilities;
- 2) Environmental modifications to support students' abilities to maintain attention, stay on task, and control their behavior;
- 3) Building-wide behavior management systems to improve students' abilities to understand the connections between their behavior and more or less desired outcomes.

As a general practice and whenever possible, these interventions are used in combination before imposing more severe disciplinary consequences.

Students who violate the *Code of Conduct* may be disciplined as follows:

<b>DISCIPLINARY CONSEQUENCE</b>	<b>PERSONNEL IMPOSING THE CONSEQUENCE</b>
1) Verbal Warning	Any staff member
2) Written Warning/Referral	Educational program staff and bus drivers
3) Written notification to parent	Teachers, student support services personnel, principal or designee.
4) Suspension of other privileges	Principal or designee
5) Detention	Principal or designee
6) In-School Suspension	Principal or designee
7) Formal removal from classroom	Principal
8) Short-term (five days or less) suspension	Principal
9) Long-term (more than five days) suspension from school	Superintendent, Board of Education
10) BOCES Program exclusion	Officials of the BOCES and the student's home district
11) Permanent suspension from school	Superintendent, Board of Education

Students may be required to reimburse the District as restitution for costs or damages incurred resulting from any misconduct.

Parents are powerful partners in a student's behavioral growth, and in their child's development of acceptable social skills. The District realizes that good communication and informal relations between parents and educators are critical to resolving discipline issues. The use of sustained, multiple, coordinated intervention at home and in school provide students with the consistency they need to develop appropriate behaviors. Parents must help the school staff by reinforcing positive behavior and disciplinary consequences. The District recognizes that parental involvement in the behavioral process is required for the student to develop the behaviors that will ensure success in the school setting and life. Therefore, it is our philosophy to provide the parent with regular and early notification by phone or writing when a student's behavior is becoming problematic in addition to the required procedural notifications specified below.

### **Penalties**

Students will be assigned to after school or recess detention at the teachers' or administrator's discretion for a specified period of time. The assignment shall be for the same day when the incident occurred, with exceptions when necessary. Those students who are assigned to after school detention three or more times in ten consecutive school days shall be assigned to an in-school suspension by the principal who will review the notes at the close of each week.

The principal will notify or confer with parents in these cases. Those students who continue to violate rules following in-school suspension assignments shall be placed on behavior contracts. The behavior contract will be developed by the Instructional Support Team (IST), followed by a conference with the student's parents.

### **Students With Handicapping Conditions**

The Chairperson of the Committee on Special Education (CSE) shall be notified when a student with a handicapping condition is referred to the principal or is assigned to in-school suspension.

### **Procedures for Faculty**

Faculty members shall submit the following information to the school office as soon as possible each school day when students are assigned detention:

- 1) Name of student



- 2) Reason and length of the detention assignment
- 3) An appropriate assignment(s) set forth by the MTSS

Students who are found to have violated the District's *Code of Conduct* may be subject to the following penalties, either alone or in combination:

- 1) Warning and/or written warning
- 2) Loss of recess/ student calls parent
- 3) Development of individual plan
- 4) Detention
- 5) (Grades 4-6) Detention and loss of privileges for five consecutive school days

## **Procedures**

The due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the principal authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the principal imposing the disciplinary penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

### Detention

Teachers and the principal may use after-school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. After-school detention will be imposed as a penalty only after the student(s) parent has been notified to confirm that there is no parental objection to the penalty, and the student has appropriate transportation home following detention.

### Suspension from Transportation

If a student does not conduct himself or herself properly on a bus, the bus driver is expected to bring such misconduct to the principal's attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the principal or his or her designee. In such cases, the student's parents will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the District will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the principal to discuss the conduct and the penalty involved.

### Suspension from Athletic Participation, Extracurricular Activities and Other Privileges

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges, is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student

and the student's parent will be provided with a reasonable opportunity for an informal conference with the principal imposing the suspension to discuss the conduct and the penalty involved.

### In-school Suspension

The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom, to establish an environment conducive to learning. As such, the Board authorizes the principal to place students who would otherwise be suspended from school as the result of a *Code of Conduct* violation in "in-school suspension." The in-school suspension teacher will be a certified teacher. A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law Section 3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the principal imposing the in-school suspension to discuss the conduct and the penalty involved.

### Teacher Disciplinary Removal of Disruptive Students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances, the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom; to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office for the remainder of the class time only; or (4) sending a student to the school psychologist or other District staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this *Code*.

On occasion, a student's behavior may become disruptive. For purposes of the *Code of Conduct*, a disruptive student is a student who is substantially disruptive of the educational process, or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions, or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he or she was removed from the classroom and give the student a chance to present his or her version of the relevant events within 24 hours.

The teacher/employee must complete the Amagansett Elementary School Incident Form and meet with the principal or his or her designee as soon as possible, but no later than the end of the school day to explain the circumstances of the removal, and to present the removal form. If the principal or designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or his or her designee must notify the student's parents in writing that the student has been removed from class and why. The notice must also

inform the parent that he or she has the right, upon request, to meet informally with the principal or the principal's designee to discuss the reasons for the removal.

The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone, if the school has been provided with a telephone number(s) for purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal may overturn the removal of the student from class if the principal finds any one of the following:

- 1) The charges against the student are not supported by substantial evidence.
- 2) The student's removal is otherwise in violation of law, including the *Code of Conduct*, and/or federal or state laws regarding the education of students with disabilities.
- 3) The conduct warrants suspension from school pursuant to Education Law Section 3214 and a suspension will be imposed.

The principal may overturn a removal at any point between receiving the incident form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the CSE that the removal will not violate the student's rights under state or federal law or regulation.

### Suspension from School

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the principal.

Any staff member may recommend to the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal for a violation of the *Code of Conduct*. All recommendations and referrals shall be made in writing unless the conditions underlying

the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

1) Short-term (five days or less) suspension from school

When the principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law Section 3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension. Where possible, notice should also be provided by telephone if the school has been given a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed, and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses, under such procedures as the principal may establish.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the Superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so. The Superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the Superintendent's decision, they must file a written appeal to the Board of Education with the District Clerk within 10 business days of the date of the Superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

2) Long-term (more than five days) suspension from school

When the Superintendent determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him/her and the right to present witnesses and other evidence on his or her behalf.

The Superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be

required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the Superintendent. The report of the hearing officer shall be advisory only, and the Superintendent may accept all or any part thereof.

An appeal of the decision of the Superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the Board must be in writing and submitted to the District Clerk within 10 business days of the date of the Superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt, in whole or in part, the decision of the Superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

### 3) Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel, or any other person lawfully on school property or attending a school function.

## **Minimum Periods of Suspension**

### Students who Bring a Weapon to School

Any student found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law Section 3214.

The Superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the following:

- 1) The student's age.
- 2) The student's grade in school.
- 3) The student's prior disciplinary record.
- 4) The Superintendent's belief that other forms of discipline may be more effective.
- 5) Input from parents, teachers and/or others.
- 6) Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

### Students who Commit Violent Acts Other Than Bringing a Weapon to School

Any student who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### Students who Repeatedly and Substantially Disrupt the Educational Process or Repeatedly and Substantially Interfere with the Teacher's Authority Over the Classroom.

Any student who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this *Code of Conduct*, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law Section 3214(3-a) and this *Code* on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The Superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the Superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

### **Referrals**

#### Counseling

The School Psychologist shall handle all referrals of students to counseling.

#### Substance Abuse Counseling

The designated individual to provide information on where and how to find substance abuse services for students, parents and staff is:

Name TRI-STATE NATIONAL REACH INC,  
Contact info 1-888-734-8217

#### PINS Petitions

The District may file a Person in Need of Supervision (PINS) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- 1) Being habitually truant and not attending school as required by Part One of Article 65 of the Education Law.
- 2) Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- 3) Having been the victim of sexual exploitation, provided they consent to the filing.

The District will follow all PINS procedures required by the Family Court in their jurisdiction.

#### Juvenile Delinquents and Juvenile Offenders

The Superintendent and/or his or her designee is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- 1) Any student under the age of 16 who is found to have brought a weapon to school, or
- 2) Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law Section 1.20 (42).

The Superintendent and/or his or her designee is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

### Law Enforcement

Building principals, supervisors, acting principals, or the Superintendent or designee may notify local law enforcement in the event a violation of this *Code* constitutes a crime. This notification will be made not later than the close of business the day the principal/supervisor/acting principal/DS or designee learns of the violation, or as soon as practicable. The notification will identify the student and explain the conduct at issue. As appropriate, the District will pursue the filing of criminal charges against the student involved in the misconduct.

## **ALTERNATIVE INSTRUCTION**

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law Section 3214, the District will take immediate steps to provide alternative means of instruction for the student.

## **DISCIPLINE OF STUDENTS WITH DISABILITIES**

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This *Code* affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **Authorized Suspensions or Removals of Students with Disabilities**

For purposes of this section of the *Code of Conduct*, the following definitions apply:

- 1) A "suspension" means a suspension pursuant to Education Law Section 3214.
- 2) A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.
- 3) An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred; that enables the student to continue to progress in the general curriculum, although in another setting. To continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- 1) The Board or the Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- 2) The Superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to ten consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior. If the Superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior, the Superintendent may order such suspension.
- 3) The Superintendent may order additional suspensions of not more than ten consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- 4) The Superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon in school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
  - a. "Weapon" means the same as "dangerous weapon" under 18 USC Section 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury."
  - b. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
  - c. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.

Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

### **Change of Placement Rule**

A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:

- 1) For more than ten consecutive school days; or
- 2) For a period of ten consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than ten school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.



School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the District may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

### **Special Rules Regarding the Suspension or Removal of Students with Disabilities**

The District's Committee on Special Education shall:

- 1) Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the District is first suspending or removing a student with a disability for more than ten school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than ten school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the School District shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

- 2) Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the School District is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the District is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

- 1) The Superintendent, or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.
- 2) A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
  - a. Conducted an individual evaluation and determined that the student is not a student with a disability, or

- b. Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the District, which can include suspension.

The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his or her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this *Code*.

The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than ten consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this *Code*.

### **Expedited Due Process Hearings**

An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this *Code*, if:

- 1) The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- 2) The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.

- a. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the District agree otherwise.
- b. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the District and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

### **Referral to Law Enforcement and Judicial Authorities**

In accordance with the provisions of IDEA and its implementing regulations:

- 1) The District may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
- 2) The Superintendent shall ensure that copies of the special education and disciplinary records of a student with a disability are transmitted for consideration to the appropriate authorities to whom a crime is reported.

### **CORPORAL PUNISHMENT**

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

- 1) Protect oneself, another student, teacher or any person from physical injury.
- 2) Protect the property of the school or others.
- 3) Restrain or remove a student whose behavior interferes with the orderly exercise and performance of School District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

### **STUDENT SEARCHES AND INTERROGATIONS**

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or

the District *Code of Conduct*. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent and/or his or her designee, the school nurse and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the *Code*. In all instances, any search of students or their property must be justified at its inception; there must be reasonable grounds for suspecting the search will produce evidence that the student has violated or is violating the law or the District *Code of Conduct*. The search must also be reasonably related in scope to the circumstances that justified the search in the first place.

The District will consider these factors in determining whether a search is justified at its inception:

- 1) Nature and reliability of the information received regarding the proscribed activity: An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate. Other individuals will be considered reliable informants if they have previously supplied information that was accurate and verified, they make an admission against their own interest, provide the same information that is received independently from other sources, or appear to be credible and the information they are communicating relates to an immediate threat to safety.
- 2) The existence of observable phenomena, such as the direct observation of use or the physical symptoms of using or being under the influence of illegal controlled substances or alcohol such as slurred speech, disorientation, a pattern or abnormal conduct, or erratic behavior.

The measures adopted in searching a student will be considered reasonable in scope when they are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Before searching a student or the student's belongings, the authorized school official will attempt to get the student to admit that they possess physical evidence that they violated the law or the *Code of Conduct*, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices, and students will be present when their possessions are being searched.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District *Code*, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

### **Student Lockers, Desks and other School Storage Places**

The rules in this *Code* regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

### **Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

- 1) Name, age and grade of student searched.
- 2) Reason(s) for the search.
- 3) Name of any informant(s).
- 4) Purpose of search (that is, what item(s) were being sought).
- 5) Type and scope of search.
- 6) Person conducting search and his or her title and position.
- 7) Witnesses, if any, to the search.
- 8) Time and location of search.
- 9) Results of search (that is, what items(s) were found).
- 10) Disposition of items found.
- 11) Time, manner and results of parental notification.

The Superintendent or designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The Superintendent or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item(s) is turned over to the police. The Superintendent or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

### **Police Involvement in Searches and Interrogations of Students**

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

- 1) A search or an arrest warrant; or
- 2) Probable cause to believe a crime has been committed on school property or at a school function; or

- 3) Been invited by school officials.

Before police officials are permitted to question or search any student, the Superintendent or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The Superintendent or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

- 1) They must be informed of their legal rights.
- 2) They may remain silent if they so desire.
- 3) They may request the presence of an attorney.

### **Child Protective Services Investigations**

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by child protective services to interview a student on school property shall be made directly to the Superintendent or his or her designee. The Superintendent or his or her designee shall set the time and place of the interview. The Superintendent or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other District medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or School District official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order could reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

### **VISITORS TO THE SCHOOLS**

The Board encourages parents and other District citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The Superintendent or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules have been developed by the Superintendent and/or his or her designee and apply to all visitors to the school:

- 1) Anyone who is not a regular staff member or student of the school will be considered a visitor.

- 2) All visitors to the school must report to the office of the receptionist upon arrival at the school. There they will be required to sign the visitor's register. Visitors may be asked to provide identification.
- 3) Visitors attending school functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
- 4) Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.
- 5) Visitors are expected to arrange appointments to discuss individual matters with teachers so as not to disrupt class time.
- 6) Any unauthorized person on school property will be reported to the Superintendent or his or her designee. Unauthorized persons will be asked to leave. The police may be called if the situation warrants.
- 7) Deliveries of materials and supplies will be accepted and signed for at the reception area. If the delivery is too large to be received at the reception area, the receptionist will notify the building and grounds personnel to accept and sign for delivery at the southeast rear entrance.
- 8) All visitors are expected to abide by the rules for public conduct on school property contained in this *Code*.

## **PUBLIC CONDUCT ON SCHOOL PROPERTY**

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the *Code*, "public" shall mean all persons when on school property or attending a school function including students, teachers and District personnel.

The restrictions on public conduct on school property and at school functions contained in this *Code* are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to the objectives of the District. The purpose of this *Code* is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

### **Prohibited Conduct**

No person, either alone or with others, shall:

- 1) Intentionally injure any person or threaten to do so.
- 2) Intentionally damage or destroy School District property or the personal property of a teacher, administrator, other District employee or any person lawfully on school property, including graffiti or arson.
- 3) Disrupt the orderly conduct of classes, school programs or other school activities.

- 4) Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
- 5) Intimidate, harass, bully or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability.
- 6) Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
- 7) Obstruct the free movement of any person in any place to which this *Code* applies.
- 8) Violate the traffic laws, parking regulations or other restrictions on vehicles.
- 9) Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
- 10) Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the School District.
- 11) Loiter on or about school property.
- 12) Gamble on school property or at school functions.
- 13) Refuse to comply with any reasonable order of identifiable School District officials performing their duties.
- 14) Willfully incite others to commit any of the acts prohibited by this *Code*.
- 15) Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
- 16) Use tobacco and tobacco products on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. For purposes of this *Code of Conduct*, "school grounds" means any instructional building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles.
- 17) Use e-cigarettes, vape pens and other similar product, including those containing nicotine except for current FDA-approved smoking cessations products.

## **Penalties**

Persons who violate this *Code* shall be subject to the following penalties:

- 1) Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
- 2) Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
- 3) Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law Section 3020-a or any other legal rights that they may have.



- 4) Staff members in the classified service of the civil service entitled to the protection of Civil Service Law Section 75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law Section 75 or any other legal rights that they may have.
- 5) Staff members other than those described in subdivisions 4 and 5, shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

### Contractors and Vendors

The District will take appropriate action, consistent with the terms of any applicable contract, to ensure the offense is remedied and will not recur. The failure of a contractor or vendor to abide by the terms of this *Code of Conduct* may affect the renewal of existing agreements or the awarding of future contracts.

### **Enforcement**

The Superintendent or his or her designee shall be responsible for enforcing the conduct required by this *Code*.

When the Superintendent or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the Superintendent or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Superintendent or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the Superintendent or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the *Code*.

## **DISSEMINATION AND REVIEW**

### **Dissemination of *Code of Conduct***

The Board will work to ensure that the community is aware of this *Code*:

- 1) Provide copies of a summary of the *Code* to all students at a general assembly held at the beginning of each school year.
- 2) Make copies of the *Code* available to all parents at the beginning of the school year.
- 3) Provide a summary of the *Code* in the school calendar, written in plain language to all parents of District students before the beginning of the school year. Make the summary available upon request.
- 4) Provide all current teachers and other staff members with a copy of the *Code* and a copy of any amendments to the *Code* as soon as practicable after adoption.

- 5) Provide all new employees with a copy of the current *Code of conduct* when they are first hired.
- 6) Make copies of the *Code* available, both on the school website and in written form for review by students, parents and other community members.

The Board will sponsor an in-service education program for all District staff members to ensure the effective implementation of the *Code*. The Superintendent and/or his or her designee may solicit the recommendations of the District staff, regarding in service programs pertaining to the management and discipline of students.

The Board of Education will review this *Code* every year and update it as necessary. In conducting the review, the Board will consider how effective the *Code's* provisions have been and whether the *Code* has been applied fairly and consistently.

The Board may appoint an advisory committee to assist in reviewing the *Code* and the District's response to *Code* violations. The committee will be made up of representatives of teacher, administrator, and parent organizations, and other school personnel.

Before adopting any revisions to the *Code*, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The *Code of Conduct* and any amendments to it will be filed with the Commissioner no later than 30 days after adoption.

## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL****General Provisions**

Officers and employees of the District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct.

The provisions of this policy are intended to supplement Article 18 of the General Municipal Law and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

**Standards of Conduct**

The following rules and standards of conduct apply to all officers, including Board members, and employees of the District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his or her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired by him or her in the course of his or her official duties or use this information to further his or her personal interests.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when he or she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his or her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

(Continued)

## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. Employees, officers, and agents will not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer or employee as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract of: his or her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he or she is a member or employee; a corporation of which he or she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him or her.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer or employee in one or more positions of public employment, not prohibited by law.

Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

(Continued)

## Personnel

**SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT  
PERSONNEL (Cont'd.)**Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his or her official duties, or that would otherwise impair his or her independence of judgment in the exercise or performance of his or her official powers or duties.

Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future Employment

No person may, after the termination of service or employment with the District, appear before the District on behalf of his or her employer in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service or employment with the District or which was under his or her active consideration while he or she was with the District.

Notice of Code of Ethics and General Municipal Law Sections 800-809

The Superintendent will ensure that a copy of this code of ethics is distributed to every District officer and employee, and that a copy of General Municipal Law Sections 800-809 is posted conspicuously in each District building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of District officers and employees to comply with their provisions, or the ability of the District or other relevant authorities to enforce them.

Penalties

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law § 410  
General Municipal Law Article 18 and §§ 800-809  
2 CFR § 200.318(c)(1)

Adopted: 1/11/22